

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH LONEWOLF,

Defendant.

8:11CR22

ORDER

Defendant Kenneth Lonewolf (Lonewolf) appeared before the court on May 31, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 81). Lonewolf was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Donald J. Kleine. Through his counsel, Lonewolf waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Lonewolf should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Lonewolf declined to present any evidence or request a detention hearing but requested release pending the dispositional hearing. Since it is Lonewolf's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Lonewolf has failed to carry his burden and that Lonewolf should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 3:00 p.m. on June 27, 2013**. Defendant must be present in person.

2. Defendant Kenneth Lonewolf is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 31st day of May, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge